

**National Aeronautics and Space Administration  
Ames Research Center  
Moffett Field, California 94035**

**Justification for Other than Full and Open Competition (JOFOC)**

This Justification for other than full and open competition has been prepared in accordance with the requirements of Federal Acquisition Regulation (FAR) 6.303 and NASA FAR Supplement (NFS) 1806.303.

**(1) Identification of the agency and contracting activity, and specific identification of the document as a "Justification for other than full and open competition."**

This justification for other than full and open competition document is prepared by the National Aeronautics and Space Administration (NASA), Ames Research Center, Moffett Field, CA.

**(2) The nature and/or description of the action being approved:**

On September 28, 2008, a JOFOC was signed to increase the period of performance of contract NNA04BC25C for five months (from October 1, 2008, through February 28, 2009), pending completion of a competitive follow-on contract for this effort.

The NASA Ames Research Center (ARC) proposes to negotiate a second sole source contract modification with ELORET Corporation to extend the period of performance of contract NNA04BC25C for up to five additional months, consisting of a two-month base period, and three 1-month options. Upon JOFOC approval, the current contract will be modified to extend performance for two months, and will include options for three additional months (from March 1, 2009, through April 30, 2009, with potential to run through July 31, 2009). The total contract performance period will be under five years (from October 1, 2004, through July 31, 2009, if all options are exercised).

Revisions to the business model utilized during acquisition strategy delayed issuance of the solicitation until October 28, 2008. Proposals were received December 12, 2008, and are under evaluation. In order to complete the procurement process and award the follow-on contract, the current contract must be extended a second time.

The purpose of this extension is to provide on-going support for mission critical work at ARC pending placement of a follow-on contract for the required support.

**(3) A description of the supplies or services required to meet the agency's needs (including the estimated value):**

The purpose of this JOFOC is to extend the current Space Technology Research and Development (STRAD) contract NNA04BC25C for a period of up to five additional months, pending completion of a competitive follow-on contract for this effort. The STRAD contract includes mission-critical analytical and experimental support for various NASA programs, including Space Shuttle Aerothermal analysis, Crew Exploration Vehicle

(CEV) Aerosciences and Thermal Protection System Advanced Development Projects, and the Mars Science Laboratory. It supplies NASA Ames with engineering, science, and administrative support services, including materials development, modeling and analysis, and testing; personnel skill sets include staff engineers, research and development scientists, computational fluid dynamics experts, and IT and documentation support staff. This extension will enable the requiring organizations to continue to obtain support.

The estimated value of the services for this additional five-month extension is \$ \* based on the Government's Independent Cost Estimate. The Independent Cost Estimate was determined based on a technical review of labor and materials anticipated to be necessary for continued performance of current and anticipated tests and projects for the remaining period of performance. This extension will require an increase in contract value by \$ \* , from the current value of \$ \* to a value of \$ \* .

**(4) An identification of the statutory authority permitting other than full and open competition:**

10 U.S.C. 2304(c)(1); Only One Responsible Source.

**(5) A demonstration of the proposed contractor's unique qualifications or the nature of the acquisition requires the use of the authority cited:**

In accordance with FAR 6.302-1(a)(2)(iii), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition, or unacceptable delays in fulfilling the agency's requirements.

The additional five-month extension to the current contract is necessary to provide coverage of critical technical requirements pending completion of the competitive follow-on action. It is considered that competition of the subject requirement for the anticipated additional five-month extension period would result in substantial duplication of cost to the Government that is not expected to be recovered through competition. Costs that would be duplicated include not only those associated with the conduct of a separate competition for the additional five-month period, but also those associated with start-up and learning activities required to ensure that a new contractor has proper knowledge of the work requirements necessary to support STRAD requirements. These costs would be in addition to those already being incurred to support the follow-on requirement that was competitively solicited under solicitation number NNA07198991R-ACA; the award of the follow-on contract is anticipated to occur in July 2009.

The current contractor is critically involved with on-going projects and tests, including Crew Exploration Vehicle (CEV), which would be adversely impacted without continued support. A separate competition and award of this increased level of services to another vendor would neither be feasible nor reasonable given the current re-competition for the follow-on contract. It would further cause a substantial duplication of cost to the

Government that is not expected to be recovered and would affect the seamless continuity of services necessary to support this area of the Center's and NASA's mission.

**(6) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under 5.202 applies.**

The original JOFOC was synopsisized. A synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on July 1, 2008, for ten calendar days to inform the public of NASA's intent to extend contract NNA04BC25C with Eloret Corp. in order to continue performance through February 28, 2009. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. No capability statements were received in response to the synopsis.

A second synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on February 2, 2009, for five calendar days to inform the public of NASA's intent to extend contract NNA04BC25C with Eloret Corp in order to continue performance through July 31, 2009. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. No capability statements were received in response to the synopsis.

**(7) A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

The Contracting Officer hereby determines that the anticipated cost to the Government will be fair and reasonable. A proposal analysis will be performed in accordance with FAR 15.404 to ensure that the final agreed-to price for the contract value increase is fair and reasonable. Analysis will include cost and price evaluation techniques. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to the conduct of negotiations.

**(8) A description of the market research conducted and the results or a statement of the reason market research was not conducted.**

A synopsis for the instant contract extension action has been posted in NAIS and FedBizOpps as stated above. No capability statements were received in response to the synopsis, nor were there any inquiries received from private industry.

**(9) Any other facts supporting the use of other than full and open competition:**

The Office of Space Technology, Space Technology Division, has determined that ELORET Corp. is highly qualified to continue performance of this contract at NASA Ames Research Center, pending award of a follow-on contract for the required services. The contractor's task performance—in terms of safety, milestones, scheduled metrics, and deliverables—is well organized, prioritized, and safely completed on time and within

budget. The contractor has received semi-annual "Excellent" Award Fee ratings since award of the contract.

**(10) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.**

No other source expressed interest in providing the additional work required by this extension and increase in contract value.

**(11) A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.**

As noted above, this sole source award of an extension to the STRAD contract is due to revisions in the acquisition strategy phase of the recompetete which caused unexpected delays in issuance and receipt of the final Request For Proposal as well as delays in the schedule for the evaluation, selection and award of the contract. These revisions and delays were not anticipated at the time of the initial extension.

The STRAD requirement was awarded as a result of a Small Business Set-Aside and is currently in the process of recompetition. It is again being competed as a Small Business Set-Aside.

(12) Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

See Below.

**Requirement Initiator:**  
*Michael Wilder*  
*Contracting Officer's*  
*Technical Representative*

I certify that the facts presented in this justification are accurate and complete.



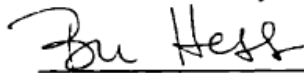
Signature

2/10/2009

Date

**Contracting Officer:**  
*Brenda K. Hess*  
*Contracting Officer*

I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief.




Signature

10 Feb 2009

Date

**CONCURRENCE:**

**Directorate Manager:**  
*Dr. Eugene Tu*



Signature

2/12/09

Date

**Procurement Officer: (Acting)**

*Lupe M. Velasquez*



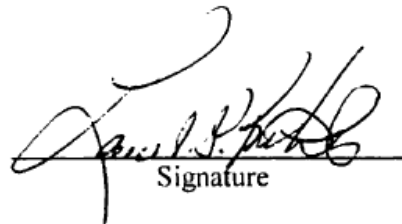
Signature

2/26/09

Date

**APPROVAL:**

**Center Competition Advocate:**  
*ARC Deputy Center*  
*Director*



Signature

3/23/09

Date